

January 24, 2006  
Case No. GP-304641 (2760/164)  
Serial No.: 10/809,083  
Filed: March 25, 2004  
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**REMARKS**

In the Office Action, Examiner Ekong rejected pending claims 1-19 on various grounds. The Applicant responds to each rejection as subsequently recited herein, and respectfully requests reconsideration and further examination of the present application under 37 CFR § 1.112.

**Rejections under §102(e)**

- A. Claims 1, 2, 4-11, and 13-19 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Publication No. 2004/0142678 A1 to *Krasner*.

To warrant this anticipation rejection, *Krasner* must teach each element of those claims. See, MPEP §2131. The Applicant respectfully traverses this anticipation rejection of the remaining claims for the reasons stated below.

*Krasner* does not disclose "detecting a wireless access point with a vehicle telematics device," as claimed in claims 1, 10, and 19. At most, *Krasner* discloses transmitting a message via a wireless link (Abstract, *Krasner*), and not detecting a wireless access point with a vehicle telematics device. Therefore, *Krasner* cannot anticipate claims 1, 10 or 19, nor claims 2, 4-9, 11, or 13-19 depending directly or indirectly from one of claims 1 or 10.

Withdrawal of the rejection of claims 1, 10 and 19 under 35 USC §102(e) as being anticipated by *Krasner* is therefore respectfully requested.

Additionally, *Krasner* does not disclose a method or medium wherein data is pre-packaged at the service provider for compatibility with a wireless access point protocol, as claimed in claims 9 and 18.

Withdrawal of the rejections of claims 2, 4-11, and 13-19 under 35 USC §102(e) as being anticipated by *Krasner* is therefore respectfully requested.

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- B. Claims 3 and 12 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Krasner* in view of U.S. Publication No. 2004/0198255 A1 to *Hayashida*.

To warrant this obviousness rejection of claims 3 and 12, *Krasner* and *Hayashida* in combination must teach each limitation of those claims, in as great detail as claimed. (See MPEP §2143.) The Applicant respectfully traverses this obviousness rejection of claims 3 and 12.

Claim 3 depends from claim 1, and claim 12 depends from claim 10. Therefore, claims 3 and 12 are patentable over the combination of *Krasner* and *Hayashida* for at least the same reasons as outlined with respect to claims 1 and 10.

Additionally, *Hayashida* does not teach or suggest receiving a response to a polling message.

Withdrawal of the rejections of claims 3 and 12 under 35 USC §103(a) as being obvious over *Krasner* in view of *Hayashida* is therefore respectfully requested.

C. New Claim 20

The prior art does not disclose, teach, or suggest each and every element of claim 20, and therefore claim 20 is patentable over the prior art. Additionally, claim 20 depends from claim 1, and is therefore patentable for at least the same reasons as claim 1.

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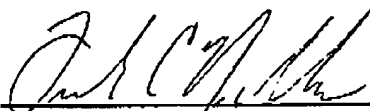
**SUMMARY**

The Applicant respectfully submits that claims 1-20 as listed herein fully satisfy the requirements of 35 U.S.C. §§ 102, 103 and 112. In view of the foregoing, favorable consideration and passage to issue of the present application is respectfully requested. If any points remain at issue that may best be resolved through a personal or telephonic interview, Examiner Ekong is respectfully requested to contact the undersigned at the telephone number listed below.

Dated: January 24, 2006

Respectfully submitted,

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